

MEMORANDUM

TO: Mayor and City Commissioners

FROM: Timothy Stillings, Planning and Zoning Director

THROUGH: Donald Cooper, City Manager

DATE: December 15, 2015

RE: Agenda Item # - Regular Meeting of January 19, 2016
Approval of a Final Subdivision Plat for Tropic Cay 2, located south of Avenue "F", between Frederick Boulevard and Florida Boulevard.

Background

The Tropic Cay development has an extensive land use history beginning with the annexation of the property on July 25, 1989. On October 27, 2004, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan, Landscape Plan and Architectural Elevations for an 8-unit townhouse development on the west-half of the subject property.

At its meeting of December 19, 2005, the Planning and Zoning Board certified the preliminary plat and recommended approval of the final plat to the City Commission for the existing Tropic Cay 8-unit townhouse development. On May 16, 2006, the final plat was approved by the City Commission.

On September 19, 2006, the City Commission approved a landscape maintenance agreement for the installation and maintenance of all irrigation, landscaping material, and lighting located within Tract "A" (which serves as a public access connecting Avenue "F" with Frederick Boulevard, an easement and landscape tract).

At its meeting of December 13, 2006, the SPRAB approved a site plan extension request for the development with said approval to be valid until October 27, 2008. However, due the downturn of the economy the project was never built and the site plan extension approved by SPRAB expired.

On September 10, 2014, a Class V site plan was approved by the SPRAB to establish the original site plan. The eight unit townhouse building has been constructed.

On November 4, 2015, the Site Plan Review and Appearance Board approved a Class V site plan, landscape plan and architectural elevation plan for the construction of a five-unit townhouse building on the east one-half of the development (Tropic Cay Phase II).

Project Description:

The property is partially developed and contains an 8-unit townhouse development located on the west one-half of the property which fronts on Frederick Boulevard (Tropic Cay). The Applicant proposes the construction of a 5-unit townhome building on Lots 51 through 56 inclusive, Block 35, Del-Raton Park, fronting on Florida Boulevard (Tropic Cay Phase II).

With the proposed construction of the 5-unit townhome building (Tropic Cay Phase II), it was identified that if the parcel was developed as an independent site, the proposed 5-unit townhouse development would exceed the allowable density of 12 units per acre. However, by combining both development sites as one unified development (i.e. Tropic Cay and Tropic Cay

Phase II), the overall parcel area of 53,613 sq. ft. would support the 13 units at a density of 10.56 units per acre.

The proposed plat will contain thirteen townhome lots, eight existing lots under the Tropic Cay subdivision and the creation of five new lots with the approval of the proposed plat. The plat depicts each unit as a separate lot.

No changes are proposed to the existing townhomes, the lot configurations or the provision of public access and utility services. Tract "A" is privately owned but is dedicated for public access and will continue to provide access for the existing townhomes. A five-foot wide concrete sidewalk is provided within Tract "A".

The five new townhouse lots located on the east side of the subdivision will be accessed via Florida Boulevard. The lots will range in size from 23.92 feet to 39.12 feet wide by 115 feet deep. A five foot wide concrete sidewalk is proposed within the right-of-way along Florida Boulevard. The existing right-of-way for Florida Boulevard is 60 feet thus no additional right-of-way is required. A new 10' general utility easement is being dedicated along Florida Boulevard. Ingress-egress easements are located along the north, south and west perimeters and a 10' wide drainage easement is proposed along the west and south perimeters of the Phase II site.

During the review of the final plat, it was determined by the City Attorney's Office that pursuant to the requirements of Fla. Stat. §§ 177.041(2) and 177.081(2), each individual property owner (and mortgage company) must execute the plat in order for it to be a lawful document.

As F.P. Dino & Associates, Inc. (Applicant/Developer) does not have record title to all of the land within the plat (all of the existing townhouse units are individually owned), the City Attorney's office determined that the plat must be executed by each individual landowner. Thus, the dedication, mortgage consent and title certification on the plat has been revised to incorporate the acknowledgement of all record title owners and mortgage holders.

FINDINGS - Major Subdivision Platting

Pursuant to LDR Section 2.4.5(J)(5)Findings: The Planning and Zoning Board must make findings pursuant to Chapter Three on a preliminary plat. The City Commission must make a finding that the Final Plat is consistent with the findings associated with the preliminary plat.

Pursuant to **LDR Section 3.1.1**, prior to approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application. As shown in the attached Planning and Zoning Board staff report, positive findings can be made with respect to Future Land Use Map Consistency, Concurrency, Consistency with the Comprehensive Plan and compliance with the Land Development Regulations.

Courtesy Notices:

Courtesy notices have been provided to the following groups and neighborhood associations:

- Delray Citizens Coalition
- Tropic Bay Condo
- Tropic Harbor
- Tropic Isles Homeowner's Association

To date, no letters of objection or support for Tropic Cay 2 have been received. Any future letters of support or objection will be presented at the City Commission meeting.

Planning and Zoning Board Recommendation:

On October 19, 2015, the Planning and Zoning Board approved with conditions the Preliminary Plat on a 5 to 0 vote (Steve Mackey and Jay Jacobson absent).

On November 16, 2015, the Planning and Zoning Board on a unanimous vote of 7 to 0 certified the final plat as consistent with the preliminary plat, and recommended approval to the City Commission of the Final Plat for **Tropic Cay 2** with conditions. The City staff has reviewed the final plat and determined that all technical comments have been satisfied.